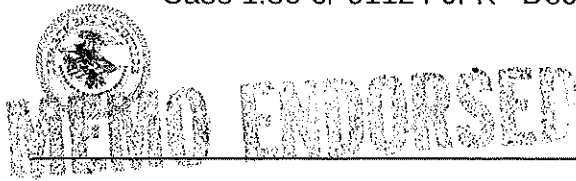


U.S. Department of Justice



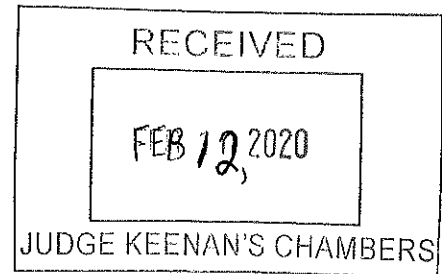
United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

February 12, 2020

By ECF and Hand Delivery

The Honorable John F. Keenan
United States District Judge
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, New York 10007



Re: *United States v. Enrique Rivera*, 86 CR 1124 (JFK)

Dear Judge Keenan,

The Government respectfully submits this letter to request pursuant to Federal Rule of Criminal Procedure 35(a) that the Court correct a "clear error" in the sentence imposed against the defendant, which the Government did not perceive at the sentencing on February 5, 2020. In particular, following the sentencing, the Government identified that 18 U.S.C. § 3583, which authorizes a term of supervised release where a term of imprisonment is imposed, did not come into effect until November 1, 1987, after the offense conduct with which the defendant was charged and convicted in this case had ended. For that reason, the sentence imposed against the defendant insofar as it includes a term of three years' supervised release is an illegal sentence reflecting a "clear error," which the Court may correct on or before February 18, 2020 by striking that term of supervised release, a correction to which the defendant consents and which the United States Probation Office recommends.

Application granted
The term of supervised release is revoked.
As ordered
February 12, 2020
John F. Keenan
213 D.J. Respectfully,

GEOFFREY S. BERMAN
United States Attorney

By: *Thomas John Wright*
Thomas John Wright
Assistant United States Attorney
(212) 637-2295

cc: Jineen Forbes (United States Probation Office) (by email)
John M. Hillenbrecht (DLA Piper LLP) (by ECF)
Jessica A. Masella (DLA Piper LLP) (by ECF)
Jessica Wright (DLA Piper LLP) (by ECF)

